

**SUPREME COURT MINUTES
WEDNESDAY, NOVEMBER 28, 2012
SAN FRANCISCO, CALIFORNIA**

S198105**COPENHAVER (HARRY
ARTHUR) ON H.C.**

Order to show cause issued, returnable in Superior Court

The Secretary of the Department of Corrections and Rehabilitation is ordered to show cause returnable before the Riverside County Superior Court, when the matter is placed on calendar, why petitioner is not entitled to relief based on his allegation that the trial court erred at sentencing after retrial in 1991 by imposing a \$10,000 restitution fine. (See concession by the Attorney General in the informal response filed in this court on September 7, 2012; *People v. Hanson* (2000) 23 Cal.4th 355; *In re Harris* (1993) 5 Cal.4th 813, 838-842.) The return is to be filed on or before December 28, 2012.

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, Corrigan, and Liu, JJ.

S155651**ABILEZ (FRANK MANUEL)
ON H.C.**

Dismissal order filed

The above-entitled case having become moot by petitioner's death on April 3, 2012, as indicated in the certified copy of a certificate of death filed with the motion to dismiss, the motion is granted and the petition is dismissed as moot.

S195152

C061110 Third Appellate District

**CONCERNED CITIZENS FOR
RESPONSIBLE
GOVERNMENT v. WEST
POINT FIRE PROTECTION
DISTRICT**

Dismissed as moot

Review in the above-entitled matter is dismissed as moot. (Cal. Rules of Court, rule 8.528(b).)

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, Corrigan, and Liu, JJ.

S205098

F061058 Fifth Appellate District

**PEOPLE v. ROBERTSON
(ROGER WAYNE)**

Petition for review denied

S205138 A129229 First Appellate District, Div. 1

Petitions for review denied

**PEOPLE v. HARRISON
(JOSEPH)**

S205161

Petition for writ of certiorari denied

**AYALA (ANTONIO) v.
APPELLATE DIVISION
(PEOPLE)**

S205330 B237667 Second Appellate District, Div. 8

Petition for review denied

Kennard and Werdegarr, JJ., are of the opinion the petition should be granted.

**PEOPLE v. GARCIA
(ANDRES)**

S205382 F062324 Fifth Appellate District

Petition for review denied

**PEOPLE v. DODD (EMMETT
EARL)**

S205478 A131249 First Appellate District, Div. 2

Petition for review denied

**PEOPLE v. STEVENS
(ALONZO)**

S205495 E053628 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. RECORDS (PAUL
BENJAMIN)**

S205501 A130778 First Appellate District, Div. 1

Petition for review denied

**PEOPLE v. STEVENS
(MICHAEL EDWARD)**

S205521 B233739 Second Appellate District, Div. 7

Petition for review denied

**MAYWOOD, CITY OF v. LOS
ANGELES UNIFIED SCHOOL
DISTRICT**

S205524 C067101 Third Appellate District

Petition for review denied

**PEOPLE v. McDONALD
(THEOBALD R.)**

S205570 B237677 Second Appellate District, Div. 7

Petition for review denied

**PEOPLE v. MURRAY
(CONRAD ROBERT)**

S205596 E056345 Fourth Appellate District, Div. 2

Petition for review denied

**WALKER (DAVEL D.) v. S.C.
(PEOPLE)**

S205601 B224166 Second Appellate District, Div. 8

Petitions for review denied

**PEOPLE v. SORRELS
(JERRY)**

S205607 H037333 Sixth Appellate District

Petition for review denied

**PEOPLE v. FAULK
(GREGORY N.)**

S205616 B233006 Second Appellate District, Div. 7

Petition for review denied

**PEOPLE v. WARD (DEVIN
ANDREW)**

S205628 A133182 First Appellate District, Div. 4

Petition for review denied

**PEOPLE v. ASCENCIO
(SANTOS F.)**

S205649 B238401 Second Appellate District, Div. 5

Petition for review denied

**ROCHA (EVA) v. KINECTA
FEDERAL CREDIT UNION**

S205653 B233482 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. CANN (MICHAEL
DWAYNE)**

S205661 C067498 Third Appellate District
Petition for review denied

PEOPLE v. McCOY (ALAN)

S205690 C070499 Third Appellate District
Petition for review denied

IN RE T.D.

S205701 G044672 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. SMITH (PAUL
GENTILE)**

S205711 B233608 Second Appellate District, Div. 2
Petition for review denied

PEOPLE v. OTIS (DONALD)

S205720 E057025 Fourth Appellate District, Div. 2
Petition for review denied

FAST (BRENT) v. S.C. (SAID)

S205726 A131804 First Appellate District, Div. 2

**CLAYWORTH (JAMES R.) v.
PFIZER, INC.**

Petition for review denied
Kennard, Chin and Corrigan, JJ., were recused and did not participate.

S205742 D058538 Fourth Appellate District, Div. 1

**PEOPLE v. STEWART
(JEREMY)**

Petition for review denied

S205747 B234753 Second Appellate District, Div. 7

**TRE MILANO LLC v.
AMAZON.COM, INC.**

Petition for review denied
Kennard, J., is of the opinion the petition should be granted.

S205756 D062555 Fourth Appellate District, Div. 1

**TONEY (STEPHEN) v.
HERNANDEZ (MICHAEL)**

Petition for review denied

S205762 B243936 Second Appellate District, Div. 6 **HILL (TY MICHAEL) v. S.C. (PEOPLE)**

Petition for review denied

S205766 **WEST (MARY) v. CLARK (DIDDO)**

Petition for review denied

S205768 E052332 Fourth Appellate District, Div. 2 **PEOPLE v. LAVERTY (TODD RICHARD)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Bryant*, S196365.

S205779 A130333 First Appellate District, Div. 2 **BARTONI (LAURA) v. AMERICAN MEDICAL RESPONSE WEST**

Petition for review denied

S205782 B229096 Second Appellate District, Div. 7 **PEOPLE v. HILL (RICHARD LAVEL)**

Petition for review denied

S205933 C065140 Third Appellate District **PEOPLE v. JONES (ANTHONY)**

Petition for review denied

S205953 B243599 Second Appellate District, Div. 8 **DUNN (STUART LYNN) v. S.C. (PEOPLE)**

Petition for review denied

S206002 C069357 Third Appellate District **PEOPLE v. CARRILLO (ALEJANDRO CRUZ)**

Petition for review denied

S206003 F065423 Fifth Appellate District
Petition for review denied

BELL (HORACE) v. TODD (J.)

S206024 C064445 Third Appellate District

Petition for review denied

**RYE (SUKHDEV) v. STATE
PERSONNEL BOARD (STATE
BOARD OF EQUALIZATION)**

S206036 B230418 Second Appellate District, Div. 6

Petition for review denied

**LOVE (VINCENT) v.
REGENTS OF THE
UNIVERSITY OF
CALIFORNIA**

S206078 A128536 First Appellate District, Div. 4

Petition for review denied

**KHAZAN (LARISA) v.
BRAYNIN (FELIX)**

S206088 E057171 Fourth Appellate District, Div. 2

Petition for review denied

**STUART (DANIEL JULIAN)
ON H.C.**

S206092 B236174 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. LOPEZ
(VINCENT)**

S206093 C068968 Third Appellate District

Petition for review denied

**PEOPLE v. JOHNSON
(BEVERLY JANNETTE)**

S206103 F062620 Fifth Appellate District

Petition for review denied

**PEOPLE v. ANTE (ERIC
THOMAS)**

S206106**KEMPTON (KIMBERLY) v.
CLARK (MICHELLE)/
(KINNEY)**

Petition for review denied
The request for judicial notice is denied.

S206110 C069162 Third Appellate District**PEOPLE v. McFADDEN
(JAMES LAWRENCE)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. McCullough*, S192513.

S206113 C068002 Third Appellate District**PEOPLE v. HER (SENG)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. McCullough*, S192513.

S206115 E053985 Fourth Appellate District, Div. 2**PEOPLE v. BALTAZAR
(JORGE VERGARA)**

Petition for review denied

S206118 G045708 Fourth Appellate District, Div. 3**PEOPLE v. GUZMAN
(ANGEL ANTHONY)**

Petition for review denied

S206120 A133509 First Appellate District, Div. 5**IN RE TRISTAN F.**

Petition for review denied

S206132 B244311 Second Appellate District, Div. 7**HULL & COMPANY, INC. v.
S.C. (GONZAGA)**

Petition for review denied

S206137 B235422 Second Appellate District, Div. 4**PEOPLE v. LAFAYETTE, JR.,
(EZEKIEL)**

Petition for review denied

S206138	B230396 Second Appellate District, Div. 2	PEOPLE v. TOCA (GERALDO TOLEDO)
Petition for review denied		
S206141	D059846 Fourth Appellate District, Div. 1	PEOPLE v. HILL (DIRIKI A.)
Petition for review denied		
S206157	G045730 Fourth Appellate District, Div. 3	COSTA MESA CITY EMPLOYEES' ASSOCIATION v. CITY OF COSTA MESA
Petition for review & depublication request(s) denied		
S206158	F062092 Fifth Appellate District	PEOPLE v. WALTON (LARRY)
Petition for review denied		
S206159	D060412 Fourth Appellate District, Div. 1	SAN DIEGO, COUNTY OF v. MASON (MICHEL)/ (MUHAMMAD)
Petition for review denied		
S206165	B232225 Second Appellate District, Div. 7	PEOPLE v. OUTING (HUSIE)
Petition for review denied		
S206175	B243430 Second Appellate District, Div. 5	ROGERS (RANDY S.) ON H.C.
Petition for review denied		
S206190	B234968 Second Appellate District, Div. 3	LACH (PAUL P.) v. STATE OF CALIFORNIA
Petition for review denied		
S206193	G045366 Fourth Appellate District, Div. 3	PEOPLE v. DAVENPORT (TYRELL)
Petition for review denied		

S206194 F062644 Fifth Appellate District

Petition for review denied

**PEOPLE v. LUNA, JR.,
(RAYMUNDO)**

S206200 H037041 Sixth Appellate District

Petition for review denied

**PEOPLE v. SOTO (SERGIO
MADRIZ)**

S206203 B233359 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. BINKLEY
(RHONDA)**

S206219

Petition for review denied

**WHITAKER (FRED A.) v. S.C.
(CLAY)**

S206220

Petition for review denied

**WHITAKER (FRED A.) v.
CITY OF OAKLAND**

S206221 E053299 Fourth Appellate District, Div. 2

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Bryant*, S196365.

**PEOPLE v. CHONG (JOHN
SUCHAN)**

S206225 B237509 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. ESQUIVEL
(RICARDO DeJESUS)**

S206229 D058710 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. YOUSIF (MARK
BASIL)**

S206231 G046141 Fourth Appellate District, Div. 3

**PEOPLE v. MAGANA
(MARTIN MARTINEZ)**

Petition for review denied

S206239 A136773 First Appellate District, Div. 4

**SCHENCK (RYKER
WILLIAM) v. S.C. (BROWN)**

Petition for review denied

S206326

**NICHOLS (JOSEPH) v.
COURT OF APPEAL,
SECOND APPELLATE
DISTRICT, DIVISION SEVEN
(PEOPLE)**

Petition for writ of mandate/prohibition denied

S206450 A136883 First Appellate District, Div. 5

**AZIZI (KAMRAN) v. S.C.
(SHAHMAGHSOUDI)**

Petition for review & application for stay denied

S198486

ROLAND (THOMAS) ON H.C.

Petition for writ of habeas corpus denied

S203598

**HECHT (DAROLD JAY) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Lindley* (1947) 29 Cal.2d 709, 723.)

S204657

JONES (EDWARD) ON H.C.

Petition for writ of habeas corpus denied

S204853

**TORRES (EDUARDO) ON
H.C.**

Petition for writ of habeas corpus denied

S204870**PACHECO, SR., (ALFREDO)
ON H.C.**

Petition for writ of habeas corpus denied

S205122**MIMS (GREGORY PAUL) ON
H.C.**

Petition for writ of habeas corpus denied

S205169**TODD (DEREK) ON H.C.**

Petition for writ of habeas corpus denied

S205175**KING (WILLIAM) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S205191**GUTIERREZ (GILBERT A.)
ON H.C.**

Petition for writ of habeas corpus denied

S205255**AREVALO (JOSE ANTONIO)
ON H. C.**

Petition for writ of habeas corpus denied

S205364**RAMEY (JOHNNY) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S205367**DUNN (MANUEL) ON H.C.**

Petition for writ of habeas corpus denied

S205376**HURTADO, JR., (ROGELIO)
ON H.C.**

Petition for writ of habeas corpus denied

S205488**MAGALLANEZ (JOHNNY
JOE) ON H.C.**

Petition for writ of habeas corpus denied

S205489**WICK (ERIC JON) ON H.C.**

Petition for writ of habeas corpus denied

S205505**MENA (JAVIER) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

S205506**CARDONA (MELECIO
MAGANA) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S205510**FREEMAN (ERNEST) ON
H.C.**

Petition for writ of habeas corpus denied

S205514**BURROUGHS (MICHAEL)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S205520**SOLIS (ALEXANDER
ROLANDO) ON H.C.**

Petition for writ of habeas corpus denied

S205537**EVANS (PATRICK D.) ON
H.C.**

Petition for writ of habeas corpus denied

S205538**MOYA (HUMBERTO) ON
H.C.**

Petition for writ of habeas corpus denied

S205551**CROSS (WILLIE JOE) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S205555**EAKINS (BILLY LEE) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S205563**AGUILAR (RAUL) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S205566**GOMEZ (JOHN) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S205567**TURNER (NATHAN KEVIN)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S205569**MORALES (EFRAIN) ON H.C.**

Petition for writ of habeas corpus denied

S205573**BROBST (ROBERT JAMES)
ON H.C.**

Petition for writ of habeas corpus denied

S205621**VASQUEZ (DANIEL) ON H.C.**

Petition for writ of habeas corpus denied

S205629**PACHECO (JESUS A.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S205636**ADAMS (PAUL E.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S205641**SAIF'ULLAH (KHALIFAH E.D.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S205645**TATE, JR., (LEROY) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S205651**HUDSON (MARCO) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Miller* (1941) 17 Cal.2d 734, 735.)

S205664**PRATT (DANELL L.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S205665**HAMILTON (LESTER) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S205670**LEE (STEVEN) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S205673**HUNTER (DAVID) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S205683**OCHOA (LIBORIO
PENUELAS) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S205686**MOORE (JOHNNIE) ON H.C.**

Petition for writ of habeas corpus denied

S205696**WALDON (CHARLES
EMERY) ON H.C.**

Petition for writ of habeas corpus denied

S205710**JAMES, JR., (LANGFORD)
ON H.C.**

Petition for writ of habeas corpus denied

S205722**GERAURD (CHRISTOPHER
LEIGH) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S205725**LUU (PHUOC) ON H.C.**

Petition for writ of habeas corpus denied

S205731**REYNOSO (JOSE LUIS) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S205732**TORRES (ERNEST ALFRED)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921, 925-926.)

S205739**MALMIN (THOMAS) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S205740**DAVIS (JOSEPH) ON H.C.**

Petition for writ of habeas corpus denied

S205744**UITZ (JUAN CARLOS) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S205765**HISSONG, SR., (TIMOTHY EARL) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S205769**RICHARDS (JOHN DAVID) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S205772**RAMOS, JR., (ERNEST ADAME) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dixon* (1953) 41 Cal.2d 756, 759.)

S205775**WILLIAMS (MICHAEL) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 797-798.)

S205792**SWEET (MICHAEL A.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S205795**AGUIRRE (LOUIS JUAREZ)
ON H.C.**

Petition for writ of habeas corpus denied

S205802**KING (JESSE STEPHEN) ON
H.C.**

Petition for writ of habeas corpus denied

S205817**JOHNSON (DONTAY) ON
H.C.**

Petition for writ of habeas corpus denied

S205822**COLLINS (GERALD) ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)**S205925****KING (JESSE STEPHEN) ON
H.C.**

Petition for writ of habeas corpus denied

S206127**HERRERA (ROBERTO) ON
H.C.**

Petition for writ of habeas corpus denied

S206130**CARDONA (MELECIO
MAGANA) ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Miller* (1941) 17 Cal.2d 734, 735.)**S206140****WALDON (CHARLES
EMERY) ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S206232

Petition for writ of habeas corpus denied

**WOMACK (BOBBY TRUTH)
ON H.C.****S205682** A133001 First Appellate District, Div. 1

Publication request denied (case closed)

**KAPLER (DAVID) v. CITY OF
ALAMEDA****S205730** A131622/A131623 First Appellate District, Div. 5

Publication request denied (case closed)

**BISON BUILDERS, INC. v.
THYSSENKRUPP
ELEVATOR CORPORATION****S205803** A132619 First Appellate District, Div. 5Depublication requests denied (case closed)
Baxter and Werdegarr, JJ., were recused and did not participate.**TUCKER (DIANE) v. PACIFIC
BELL MOBILE SERVICES****S205813** E051792 Fourth Appellate District, Div. 2

Publication request denied (case closed)

**WILLIS (MACK P.) v. CITY
OF RIALTO (KEN
THOMPSON, INC.)****S205834** B234087 Second Appellate District, Div. 3

Publication request denied (case closed)

**FRANCESCHI, JR., (ERNEST
J.) v. HARRAH'S
ENTERTAINMENT, INC.****S205943** A132754 First Appellate District, Div. 2

Depublication request denied (case closed)

**VIEIRA ENTERPRISES, INC.
v. CITY OF EAST PALO
ALTO**

S206798

D061535 Fourth Appellate District, Div. 1

**LONGHENRY (MICHAEL) v.
PETE HILL CONSTRUCTION
COMPANY, INC.**

Time for ordering review extended on the court's own motion

The time for granting review on the court's own motion is hereby extended to February 14, 2013.
(Cal. Rules of Court, rule 8.512(c).)

S062259**PEOPLE v. SCULLY
(ROBERT WALTER)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Julia Y. Je's representation that she anticipates filing the respondent's brief by August 30, 2013, counsel's request for an extension of time in which to file that brief is granted to January 29, 2013. After that date, only four further extensions totaling about 210 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S097363**PEOPLE v. MERRIMAN
(JUSTIN JAMES)**

Extension of time granted

Good cause appearing, and based upon counsel Glen Niemy's representation that he anticipates filing the appellant's reply brief by January 15, 2013, counsel's request for an extension of time in which to file that brief is granted to January 15, 2013. After that date, no further extension will be granted.

S129501**PEOPLE v. MENDEZ
(JULIAN ALEJANDRO)**

Extension of time granted

Good cause appearing, and based upon counsel Randall Bookout's representation that he anticipates filing the appellant's reply brief by March 18, 2013, counsel's request for an extension of time in which to file that brief is granted to January 15, 2013. After that date, only one further extension totaling about 60 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S192828

B228732 Second Appellate District, Div. 3

**LOS ANGELES, CITY OF &
DOES 1 THROUGH 50 v. S.C.
(ENGINEERS &
ARCHITECTS
ASSOCIATION)**

Extension of time granted

On application of petitioner City of Los Angeles and good cause appearing, it is ordered that the time to serve and file petitioner's and real party in interest Engineers & Architects Association's supplemental briefs is extended to November 30, 2012. The parties will then have to and including December 14, 2012, to serve and file a reply to the supplemental briefs.

S175660**PEOPLE v. AGUIRRE (JASON
ALEJANDRO)**

Counsel appointment order filed

In California, a criminal defendant has no right to represent himself or herself on appeal. (*People v. Scott* (1998) 64 Cal.App.4th 550; see also *Martinez v. Court of Appeal of Cal., Fourth Appellate Dist.* (2000) 528 U.S. 152.) On the court's own motion, Carla J. Johnson is hereby appointed to represent appellant Jason Alejandro Aguirre for the direct appeal in the above automatic appeal now pending in this court.

S080276**PEOPLE v. NG (CHARLES
CHITAT)**

Record ordered unsealed

Respondent's "Motion to Unseal Pleadings, Orders, and Transcripts of In-Camera Hearings," filed August 6, 2012, is granted in part. The Clerk is directed to unseal and make a part of the public record the following reporter's and clerk's transcripts. (See Cal. Rules of Court, rule 8.46(f)(5).)

Calaveras County Justice Court Clerk's Transcript:

2 CT 447 to 474-33, 631-633, 637-646, 647-657

4 CT 1168-1196, 1268-1311, 1350-1404

6 CT 1842-1882A, 1903-1907

16 CT 5415-5416

Calaveras County Justice Court Reporter's Transcript:

2 RT 912-939, 1008-1017

3 RT 1389-1421

4 RT 1463-1490, 1540-1567, 1572-1624, 1788-1795

5 RT 2078-2123

6 RT 2372-2408, 2468-2506, 2525-2555,

7 RT 2865-2874, 2993-3013

8 RT 3147-3163, 3647-3707, 3822-3823

12 RT 4742-4756

13 RT 5069-5071, 5077-5187

Calaveras County Superior Court Clerk's Transcript:

6 CT 2197-2198

8 CT 3045-3119

14 CT 4939-4946, 5096-5099, 5139-5170, 5189-5197

15 CT 5211-5218

16 CT 5713-5721

Calaveras County Superior Court Reporter's Transcript:

1 RT 40-43

6 RT 1612-1621

7 RT 1819-1957, 1962-2045

Orange County Superior Court Clerk's Transcript:

6 CT 2031-2032A

7 CT 2091-2098

9 CT 2927-2940, 2957-2959, 3146-3171, 3173-3186

10 CT 3558-3566

11 CT 3567-3621, 3787-3797, 3913-3935

12 CT 4029-4032A

18 CT 6146-6152, 6153-6155, 6163-6176

19 CT 6518-6522

21 CT 7504-7515

22 CT 7561-7564

25 CT 8559-8589

29 CT 9747-9756

33 CT 11,118-11,119

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3 RT 1389-1421

4 RT 1463-1490, 1540-1567, 1572-1624, 1788-1795

5 RT 2078-2123

6 RT 2372-2408, 2468-2506, 2525-2555,

7 RT 2865-2874, 2993-3013

8 RT 3147-3163, 3647-3707, 3822-3823

12 RT 4742-4756

13 RT 5069-5071, 5077-5187

Calaveras County Superior Court Clerk's Transcript:

6 CT 2197-2198
8 CT 3045-3119
14 CT 4939-4946, 5096-5099, 5139-5170, 5189-5197
15 CT 5211-5218
16 CT 5713-5721

Calaveras County Superior Court Reporter's Transcript:

1 RT 40-43
6 RT 1612-1621
7 RT 1819-1957, 1962-2045

Orange County Superior Court Clerk's Transcript:

6 CT 2031-2032A
7 CT 2091-2098
9 CT 2927-2940, 2957-2959, 3146-3171, 3173-3186
10 CT 3558-3566
11 CT 3567-3621, 3787-3797, 3913-3935
12 CT 4029-4032A
18 CT 6146-6152, 6153-6155, 6163-6176
19 CT 6518-6522
21 CT 7504-7515
22 CT 7561-7564
25 CT 8559-8589
29 CT 9747-9756
33 CT 11,118-11,119

Orange County Superior Court Reporter's Transcript:

1 RT 142-2 to 142-12, 156-2 to 156-18
2 RT 334-374, 426-447
3 RT 478-479
4 RT 906-916, 952-964
6 RT 1465-1539
7 RT 1624-1649

The Clerk is directed to redact as set forth in respondent's motion, to unseal, and make a part of the public record a copy of the following reporter's and clerk's transcripts. (See Cal. Rules of Court, rule 8.46(f)(5).) The Clerk is further directed to maintain the original unredacted transcripts under seal.

Calaveras County Justice Court Reporter's Transcript:

15 RT 5676-5705

Orange County Superior Court Clerk's Transcript:

8 CT 2546-2619
25 CT 8461-8472, 8506-8552

The parties may refer in their briefs on appeal to the following sealed records: 1) Orange County Superior Court Clerk's Transcript Penal Code section 987.9 records: 5 CT 1580-1590, 6 CT 2009-2011, 2015-2019; and 2) "987.5 Proceedings" 1 RT 1-5, 14-15. These records remain under seal and their use is limited solely to proceedings in state or federal court arising from appellant's

conviction and judgment of death. (See Pen. Code, § 987.9, subd. (d); Cal. Rules of Court, rule 8.610(b)(1).)

The motion is denied without prejudice as to Calaveras County Justice Court 3 CT 901-983. (See Calaveras County Justice Court 3 RT 1389-1390.)

S086234

**PEOPLE v. MILES (JOHNNY
DUANE)**

Motion for access to sealed record granted

Pursuant to the letter from counsel for appellant filed October 9, 2012, and on the court's own motion, counsel for appellant and respondent are granted access to copies of redacted jury keys for both the guilt and penalty and competency phases of appellant's trial. The Clerk is directed to copy and redact the jurors' names from the jury keys and provide a copy of each redacted jury key to counsel for appellant and respondent.

In response to appellant's counsel's inquiry regarding an apparently missing juror questionnaire, that questionnaire is found in Clerk's Transcript of Juror Questionnaires, volume 16, beginning on page 4481.

S130495

**MASTERS (JARVIS J.) ON
H.C.**

Order filed

Respondent's "Motion to Withdraw Respondent's Response to Petitioner's Application for Order Authorizing Viewing of Exhibits and to File Substitute Pleading," and "Motion to Withdraw Respondent's Brief in Response to Petitioner's Brief on the Merits and Exceptions to the Referee's Report and to File Substitute Pleading," filed on August 8, 2012, are granted.

Respondent's "Brief in Response to Petitioner's Brief on the Merits and Exceptions to the Referee's Report," filed on April 30, 2012, and "Response to Petitioner's Application for Order Authorizing Viewing of Exhibits," filed on May 24, 2012, are stricken, and the Clerk is directed to return those documents to respondent. The Clerk is directed to file respondent's "Brief in Response to Petitioner's Brief on the Merits and Exceptions to the Referee's Report," and "Response to Petitioner's Application for Order Authorizing Viewing of Exhibits," received on August 8, 2012.

Petitioner's "Application to Seal and/or Redact Petitioner's Letter Brief Regarding Petitioner's Exhibit 54 and Respondent's Exhibit M, and this Application," filed on September 11, 2012, and "Petitioner's Application to Seal and/or Redact Petitioner's Reply to Respondent's September 17, 2012 Response," filed on September 27, 2012, are granted. The Clerk is directed to file under seal: (1) petitioner's "Application to Seal and/or Redact Petitioner's Letter Brief Regarding Petitioner's Exhibit 54 and Respondent's Exhibit M, and this Application," lodged in this court on September 11, 2012; (2) petitioner's "Letter Brief Regarding Petitioner's Exhibit 54 and Respondent's Exhibit M," lodged in this court on September 11, 2012; (3) petitioner's "Application to Seal and/or Redact Petitioner's Reply to Respondent's September 17, 2012 Response," lodged in this court on September 27, 2012; and (4) petitioner's "Reply to

Respondent's September 17, 2012 Response," lodged in this court on September 27, 2012.

Petitioner's "Application to File Exhibits Cited in Petitioner's Letter Brief Regarding Petitioner's Exhibit 54 and Respondent's Exhibit M," filed on September 11, 2012, is denied.

As ordered by the referee during the reference proceedings on January 4 and 5, 2011, the Clerk is directed to seal Petitioner's Exhibits 1 through 14, contained in the record of the reference proceedings.

The Clerk is directed to file under seal, permanently or until further order of this court, petitioner's "Brief on the Merits and Exceptions to the Referee's Report," filed on March 16, 2012, and petitioner's "Reply to Respondent's Exceptions to the Referee's Report and Brief on the Merits," filed on May 3, 2012. Petitioner is directed to file, no later than December 13, 2012, revised versions of these documents that do not disclose material contained in sealed documents. (Cal. Rules of Court, rule 8.46(g).) No other revisions to the originally filed documents are permitted. To the extent petitioner can revise particular citations to refer to publicly filed documents rather than sealed documents, such as with Petitioner's Exhibit 54, he should do so.

S192828

B228732 Second Appellate District, Div. 3

**LOS ANGELES, CITY OF &
DOES 1 THROUGH 50 v. S.C.
(ENGINEERS &
ARCHITECTS
ASSOCIATION)**

Order filed

The application of Amicus Curiae American Federation of State, County and Municipal Employees, District Council 36, International Union of Operating Engineers Local 501, Laborers International Union of North America Local 777, Los Angeles /Orange Counties Building and Construction Trades Council and Service Employees International Union 721, requesting permission to file a supplemental brief is hereby granted.

S206189

ACCUSATION OF BRENDEN

Petition denied

(accusation)

S204144

FERRARA ON DISCIPLINE

Recommended discipline imposed

The court orders that LOUIS JOSEPH FERRARA, State Bar Number 73345, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. LOUIS JOSEPH FERRARA is suspended from the practice of law for a minimum of two years of probation, and he will remain suspended until the following requirement is satisfied:
 - i. LOUIS JOSEPH FERRARA must provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be termination. (Rules Proc. of State Bar, tit. IV, Stds. for Atty.

Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)

2. LOUIS JOSEPH FERRARA must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed May 30, 2012.
3. At the expiration of the period of probation, if LOUIS JOSEPH FERRARA has complied with all the conditions of probation, the three year period of stayed suspension will be satisfied and that suspension will be terminated.

LOUIS JOSEPH FERRARA must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

LOUIS JOSEPH FERRARA must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One half of the costs must be paid with his membership fees for each of the years 2013 and 2014. If LOUIS JOSEPH FERRARA fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S204910

**FERRARA ON
RESIGNATION**

Resignation declined

This court, having considered the request, declines to accept the voluntary resignation with disciplinary charges pending of LOUIS JOSEPH FERRARA, State Bar Number 73345, as a member of the State Bar of California. (Cal. Rules of Court, rule 9.21(d).) LOUIS JOSEPH FERRARA remains on inactive status. (Cal. Rules of Court, rule 9.21(a).) He may move in the State Bar Court to be restored to active status, at which time the Office of Chief Trial Counsel may demonstrate any basis for his continued ineligibility to practice law.

